



PATENT
Attorney Docket No. 101.0052-01000
Customer No. 22882
Express Mail Label No. EQ071214772US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | Confirmation No.: 9192 |
| Gary Karlin Michelson |) | |
| Serial No.: 09/412,082 |) | Group Art Unit: 3764 |
| Filed: October 4, 1999 |) | Examiner: Michael Brown |
| For: METHOD FOR INSERTING |) | |
| FRUSTO-CONICAL INTERBODY |) | |
| SPINAL FUSION IMPLANTS |) | |

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with a Request for Continued Examination (RCE) for the above-referenced application.

A copy of the non-U.S. patent documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

An English-language abstract/translation of the non-English documents are enclosed as indicated on the form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant

reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: March 23, 2006

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| Substitute for FORM PTO-1449 | | Attorney Docket Number 101.0052-01000 | | Customer No. 22882 | |
| INFORMATION DISCLOSURE CITATION IN AN APPLICATION | | Applicant Gary Karlin Michelson | | Application Number 09/412,082 | |
| (Use several sheets if necessary) Sheet 1 of 2 | | Filing Date October 4, 1999 | | Group Art Unit 3764 | Examiner M. Brown |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|-----------------|---------|--------------------|-------|----------|-------------------------------|
| | 3,719,186 | 3/1973 | Merig, Jr. | | | |
| | 3,906,550 | 9/1975 | Rostoker et al. | | | |
| | 4,950,296 | 8/1990 | McIntyre | | | |
| | 5,273,964 | 12/1993 | Lemons | | | |
| | 5,397,359 | 3/1995 | Mittelmeier et al. | | | |

FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION (YES/NO) |
|--|-----------------|---------|---------|-------|----------|---|
| | 1 328 957 | 05/1994 | Canada | | | N/A |
| | 2 151 481 | 03/1995 | Canada | | | N/A |
| | 0 526 682 | 2/1993 | Europe | | | Abstract Only U.S. Equivalent 5,397,359 |
| | 0 637 439 | 02/1995 | Europe | | | N/A |
| | 0 637 440 | 02/1995 | Europe | | | Abstract Only |
| | 0 646 366 | 04/1995 | Europe | | | N/A |
| | 3 620 549 | 12/1987 | Germany | | | Yes |
| | 2 910 627 | 9/1980 | Germany | | | Yes |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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| | Cloward, Ralph B.; Surgical Techniques for Lumbar Disc Lesions; Codman; Signature Serial 3. |
| | Cloward, Ralph B.; Ruptured Cervical Intervertebral Discs: Removal of Disc & Osteophytes & Anterior Cervical Interbody Fusion (A.C.I.F.); Codman; Signature Series 4. |
| | Cloward, Ralph B.; Recent Advances in Surgery of the Cervical Spine; pp. 285-293; German Society For Neurosurgery: Volume 2 Cervical Spine Operations; Excerpta Medica. |
| | Hutter, Charles George; Spinal Stenosis and Posterior Lumbar Interbody Fusion; pp. 103-114; Clinical Orthopaedics and Related Research; No. 193; The Association of Bone and Joint Surgeons. |
| | Lin, Paul M.; Posterior Lumbar Interbody Fusion; pp. 114-122; Charles C. Thomas; Springfield, Illinois. |
| | Lin, Paul M.; Lumbar Interbody Fusion: Principles and Techniques in Spine Surgery; Techniques and Complications; pp. 81, 98, 120, 146, 173, 180-184, 204, 224, 225, 231; Aspen Publishers, Inc.; 1989. |
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| | Muller, M.E.; Manual of Internal Fixation: Techniques Recommended by the AO Group; Second Edition, Expanded and Revised; pp. 3-20, 27-41, 53-58, 71-78, 94, 311, 320; Springer-Verlag; 1979. |
| | Hierholzer, G.; Manual on the AO/ASIF Tubular External Fixator; pp. 85-91; Springer-Verlag; 1985. |
| | Heim, Urs; Small Fragment Set Manual: Technique Recommended by the ASIF-Group; pp. 5-7, 10, 20, 21, 30; Springer-Verlag; 1974. |
| | Harmon, Paul H.; Anterior Excision and Vertebral Body Fusion Operation for Intervertebral Disk Syndromes of the Lower Lumbar Spine: Three- to Five-Year Results in 244 Cases; pp. 107-127; Clinical Orthopaedics and Related Research, No. 26, J.B. Lippincott Company, 1963. |
| | Harmon, Paul H.; A Simplified Surgical Technic for Anterior Lumbar Discectomy and Fusion; Avoidance of Complications; Anatomy of the Retroperitoneal Veins; pp. 130-143; Clinical Orthopaedics and Related Research, No. 37, J.B. Lippincott Company, 1964. |
| | Bullough, Peter G.; Atlas of Spinal Diseases; Figure 5.7; J.B. Lippencott Company; 1988 |
| | Canale, S. Terry; Campbell's Operative Orthopaedics; Volume 3, 9 th Edition; pp. 2191, 2216, 2459; Mosby, 1998. |
| | Tech. Mitt. Krupp, "Nickel-Titanium Spacers For Partial Stiffening Of The Spinal Column--Problems Involved, Manufacture, Pretesting, And Clinical Use"; Vol. 42 (1984), No. 1, pp. 24-38; including translation pages 5-27. |
| EXAMINER | DATE CONSIDERED |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. | |

